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9 IMMIGRANT LEGAL RESOURCE CENTER

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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IMMIGRANT LEGAL RESOURCE CENTER,

14 Plaintiff,

15 vs.

16 UNITED STATES DEPARTMENT OF  
17 HOMELAND SECURITY; UNITED STATES  
18 IMMIGRATION AND CUSTOMS  
ENFORCEMENT,

19 Defendants.  
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Case Number: 17-cv-06029-DMR

**JOINT STIPULATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER**

1       **WHEREAS**, on October 20, 2017, Plaintiff Immigrant Legal Resource Center (ILRC) filed a  
2 complaint under the Freedom of Information Act (FOIA), alleging that Defendants Department of  
3 Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) failed to comply with  
4 their fundamental obligations under FOIA by neither issuing a determination within 30 days of  
5 ILRC's June FOIA request nor producing responsive records;

6       **WHEREAS**, on December 13 2017, Defendants produced 232 pages of documents and 10  
7 spreadsheets to Plaintiff, with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

8       **WHEREAS**, on September 13, 2018, Defendants produced 569 pages of documents to Plaintiff,  
9 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

10       **WHEREAS**, on October 11, 2018, Defendants produced 531 pages of documents to Plaintiff,  
11 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

12       **WHEREAS**, on November 16, 2018, Defendants produced 878 pages of documents to Plaintiff,  
13 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

14       **WHEREAS**, on December 17, 2018, Defendants produced 852 pages of documents to Plaintiff,  
15 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

16       **WHEREAS**, on January 30, 2019, Defendants produced 1,104 pages of documents to Plaintiff,  
17 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

18       **WHEREAS**, on February 15, 2019, Defendants produced 1,110 pages of documents to Plaintiff,  
19 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

20       **WHEREAS**, on March 6, 2019, Defendants produced 898 pages of documents to Plaintiff, with  
21 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

22       **WHEREAS**, on April 4, 2019, Defendants produced 874 pages of documents to Plaintiff, with  
23 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

24       **WHEREAS**, on April 12, 2019, an additional 33 pages of documents were produced to the  
25 Plaintiff by the United States Marshals;

26       **WHEREAS**, on May 7, 2019, Defendants produced 941 pages of documents to Plaintiff, with  
27 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

28       **WHEREAS**, on May 30, 2019, Defendants produced 425 pages of documents and 12 Excel

1 spreadsheets to Plaintiff, with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

2       **WHEREAS**, on October 16, 2019, Plaintiff provided Defendants with a list of issues identified  
3 through Plaintiff's review of Defendants' productions, specifically noting three categories—FOIA  
4 Request (B)(iv), (C)(iii), and (D)(ii)—for which Plaintiff believed Defendants' production was  
5 insufficient;

6       **WHEREAS**, the issues identified by Plaintiff are specific to certain field offices, jurisdictions,  
7 and/or facilities that have been identified by Plaintiff and for which Plaintiff believes that search efforts  
8 have not been reasonably calculated to uncover responsive documents;

9       **WHEREAS**, on November 7, 2019, Plaintiff provided Defendant with a list of contested  
10 redactions based on its review of all productions to date;

11       **WHEREAS**, on November 14, 2019, Defendants provided an informal Vaughn Index in  
12 response to Plaintiff's list, explaining said redactions, and Plaintiff has begun reviewing this informal  
13 index;

14       **WHEREAS**, the parties have continued to meet and confer and have been working  
15 cooperatively to narrow or resolve these issues, but require more time to continue to work toward a final  
16 resolution of the remaining issues;

17       **WHEREAS**, the parties agree that Plaintiff has reserved its right to challenge Defendants'  
18 asserted exemptions in this litigation;

19       **WHEREAS**, a Case Management Conference is currently set for 1:30 p.m. on March 4, 2020;

20       **WHEREAS**, the parties agree that continuing the current date for the Case Management  
21 Conference and associated deadlines to allow the parties to continue their settlement discussions will  
22 serve judicial economy and conserve resources;

23       **WHEREAS**, a [Proposed] Order is filed concurrently herewith;

24       **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and among the  
25 parties, and the Court's approval as to the following is hereby requested that: the March 4, 2020, Case  
26 Management Conference be continued to May 6, 2020, or as soon thereafter as the Court's calendar will  
27 permit.  
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2 Dated: February 26, 2020

/s/ W. Hardy Callcott  
Counsel for Plaintiff

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5 Dated: February 26, 2020

/s/ Emmet P. Ong  
Assistant United States Attorney  
Counsel for Defendants

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8 **CERTIFICATION**

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10 Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that I have conferred with  
11 Emmet P. Ong, counsel for Defendants, regarding this filing. Mr. Ong has represented that he concurs in  
12 the filing of this document and that I am authorized to file it on his behalf.

13  
14 Dated: February 26, 2020

/s/ W. Hardy Callcott  
W. Hardy Callcott  
Counsel for Plaintiff

**[PROPOSED] ORDER**

Having duly considered the Stipulation to Continue Case Management Conference filed by the parties in this action on February 26, 2020, (the “Stipulation”) and good cause showing:

**IT IS HEREBY ORDERED** that for the reasons set forth in the Stipulation the March 4, 2020 Case Management Conference be continued to May 6, 2020, or as soon thereafter as the Court’s calendar will permit.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE  
NORTHERN DISTRICT COURT OF CALIFORNIA